

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTORIANO TAVAREZ,

Plaintiffs,

v.

TELLO, LLC, and MIRON ENTERPRISES
LLC,

Defendants.

ORDER

21 Civ. 10051 (ER)

RAMOS, D.J.

On November 24, 2021, Victoriano Tavaréz brought this action against Tello, LLC, alleging violations of the Americans with Disabilities (“ADA”) Act and related claims. Doc. 1. Tello was served on December 30, 2021, and its answer was therefore due to be filed by January 20, 2022. Doc. 8. However, on January 12, 2022, Tavaréz filed an amended complaint against Tello and Miron Enterprises, LLC. Doc. 5. Tavaréz requested issuance of summonses, but there is no indication that he served either Defendant with the amended complaint. Docs. 6–8. To date, Tavaréz has not filed any affidavit of service of the amended complaint, and Defendants have not appeared in this action.

“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Plaintiffs are therefore directed to file a status report no later than **April 29, 2022**. Failure to comply will result in the Court dismissing the case under Fed. R. Civ. P. 4(m).

It is SO ORDERED.

Dated: April 15, 2022
New York, New York



Edgardo Ramos, U.S.D.J.